



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2900 FAX (603) 271-2456

February 23, 2004



6. Rule

**CERTIFIED MAIL**  
**(# 7000 1670 0000 0585 9046)**  
**RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION**

Exeter Hospital  
5 Alumni Drive  
Exeter, New Hampshire 03833

Attn: Mr. Kevin Callahan, President

**Re: Exeter Hospital**  
**Exeter, New Hampshire**  
**EPA ID # NHD073978389**

Dear Mr. Callahan:

On December 12, 2003, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Exeter Hospital. The purpose of the inspection was to determine Exeter Hospital's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and a review of the information provided to DES, the following deficiencies in your hazardous waste management program were documented:

1 Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been conducted on the Waste Xylene, Waste Sodium Hydroxide, Waste Hydrochloric Acid, and the contents of the Waste Formalin Tank.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that Exeter Hospital conduct hazardous waste determinations for the following:

- (a) "Waste Xylene" generated during slide preparation in the Frozen Sections Room.
- (b) "Waste Sodium Hydroxide" generated from softening nails in the Pathology Lab.

- (c) "Waste Hydrochloric Acid" generated from softening bones in the Pathology Lab
- (d) "Contents of the Waste Formalin Tank" generated from the disposal of formalin from specimen bottles in the Pathology Lab. During the inspection, Pathology Lab staff informed DES that waste xylene, waste hydrochloric acid, and waste sodium hydroxide have also been poured into the tank.

*In a submittal dated December 17, 2003, Robert DiBernardo, Director of Safety and Security, provided the requested hazardous waste determinations. Mr. DiBernardo stated that the waste xylene, waste hydrochloric acid, and waste sodium hydroxide will be managed as separate hazardous wastes and shipped off-site for disposal in the future. No further action is required.*

2. Env-Wm 507.03(a)(1)b. and d. - Container Marking

At the time of the inspection, two (2) containers of waste xylene were not marked with the words "hazardous waste" and the EPA or state waste number (See the attached Container Inventory).

Env-Wm 507.03(a)(1)b. and d. require that all containers and tanks used for the storage of hazardous waste be marked with the words "hazardous waste" and the EPA or state waste number.

DES requested that Exeter Hospital properly mark all containers and tanks of hazardous waste at the time they are first used to store waste with the words "hazardous waste" and the EPA or state waste number.

*In a submittal dated December 31, 2003, Mr. DiBernardo stated that all containers of waste xylene have been labeled with the words "Hazardous Waste" and the EPA or state waste code. No further action is required.*

3. Env-Wm 508.02(b)(1) – Spill Control Equipment

At the time of inspection, DES inspectors confirmed that no spill control equipment was maintained in the Frozen Sections Room where waste xylene was stored.

Env-Wm 508.02(b)(1) requires that spill control equipment, such as speedi-dry or absorbent rags, be maintained near hazardous waste.

DES requested that Exeter Hospital ensure that spill control equipment, such as speedi-dry or absorbent rags, is maintained near the waste xylene.

*In the December 17, 2003 submittal, Mr. DiBernardo stated that spill control equipment has been placed in the Frozen Sections Room. No further action is required.*

4. Env-Wm 508.02(c) – Ignitable Wastes

At the time of inspection, DES inspectors confirmed that a “No Smoking” sign was not posted in the Pathology Lab and the Frozen Sections Room where ignitable waste xylene was stored.

Env-Wm 508.02(c) requires that “No Smoking” signs be posted wherever there is a hazard from ignitable waste.

DES requested that Exeter Hospital ensure that “No Smoking” signs are posted at all areas where there is a hazard from ignitable waste.

*In the December 31, 2003 submittal, Mr. DiBernardo stated that “no smoking” signs have been posted in the Pathology Lab and the Frozen Sections Room. No further action is required.*

5. Env-Wm 512.01(a)(1) – Recordkeeping - Manifest Copies

At the time of the inspection, Exeter Hospital did not have on file copies of two (2) hazardous waste manifests certified by the designated facility, including:

(a) Manifest No. MAQ265161, dated August 30, 2002, and

(b) Manifest No. MAQ265162, dated August 30, 2002

Env-Wm 512.01(a)(1) requires that the generator keep all manifest copies for three (3) years from the date of signature by the generator.

DES requested that Exeter Hospital obtain copies of the hazardous waste manifests listed above, and properly retain these copies and copies of future shipments of hazardous waste.

*In the December 17, 2003 submittal from Mr. DiBernardo, copies of the above-listed manifests were provided. No further action is required.*

6. Env-Wm 1102.03(c)(1) – Universal Waste Management

At the time of the inspection, seven (7) containers of universal waste lamps, located in the 4 West Mechanical Room, were not closed.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested that Exeter Hospital ensure that containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

*In the December 17, 2003 submittal, Mr. DiBernardo stated that Engineering Staff closed all containers of universal waste lamps. No further action is required.*

7 Env-Wm 1112.04 - Universal Waste Lamps

At the time of the inspection, twenty-one (21) containers of universal waste lamps, located in the 4 West Mechanical Room, were not marked with the words "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

Env-Wm 1112.04 requires universal waste handlers to ensure all container(s) holding universal waste to be clearly labeled or marked with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES requested that Exeter Hospital clearly label all containers of universal waste lamps with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

*In the December 17, 2003 submittal, Mr. DiBernardo stated that Engineering Staff labeled all containers of universal waste lamps. No further action is required.*

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of the submittals describing the corrective measures taken by Exeter Hospital to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.


The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Jessica Cajigas or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Nall of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

  
**COPY**  
Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

cc: DB/RCRA/NOPV/RPB/Archives  
Anthony P. Giunta, P.G., Director, WMD  
Gretchen Rule, Administrator, DES Legal Unit  
Robert DiBernardo, Director of Safety and Security, Exeter Hospital

E-mail: JJD/SD/SN/PM

Enclosure: Hazardous Waste Generator Inspection Report